

FILED
UNITED STATES DISTRICT COURT CLERKS OFFICE
FOR THE
DISTRICT OF MASSACHUSETTS
2005 JAN 21 A 10:21

ANTHONY P. SCAPICCHIO
Plaintiff

v.

MOUNT AUBURN PROFESSIONAL
SERVICES, MOUNT AUBURN HOSPITAL,
as administrator of the Mount Auburn Hospital
RetirementPlus 403(b) Plan, and THOMAS
FABIANO

Defendants

U.S. DISTRICT COURT
DISTRICT OF MASS.

CIVIL ACTION NO. 04-11573-RWZ

**MOTION OF THE DEFENDANTS, MOUNT AUBURN PROFESSIONAL
SERVICES, MOUNT AUBURN HOSPITAL, AS ADMINISTRATOR
OF THE MOUNT AUBURN HOSPITAL RETIREMENTPLUS 403(b)
PLAN AND THOMAS FABIANO FOR SUMMARY JUDGMENT**

The defendants, Mount Auburn Professional Services, Mount Auburn Hospital, as administrator of the Mount Auburn Hospital RetirementPlus 403(b) Plan and Thomas Fabiano, pursuant to Federal Rule of Civil Procedure 56 move for summary judgment and in support of the motion file herewith the affidavit of the defendants in support of their motion for summary judgment, their memorandum in support of the motion for summary judgment and the statement of the material facts of record as to which the defendants contend there is no genuine issue to be tried.

MOUNT AUBURN PROFESSIONAL
SERVICES, MOUNT AUBURN HOSPITAL,
as the administrator of MOUNT AUBURN
HOSPITAL RETIREMENTPLUS 403(b) PLAN
and THOMAS FABIANO

By their Attorneys,



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